



PATENT
Docket No. 2565/130

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Wei ZHANG
Serial No. : 10/520,484
Filed : June 29, 2005
For : METHOD AND DEVICE FOR DETERMINING BLOOD
VOLUME DURING AN EXTRACORPOREAL BLOOD
TREATMENT
Art Unit : 3761
Confirmation No. : 6518
Examiner : Philip Wiest

Address to:

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Commissioner for Patents
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Issue Fee; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: January 10, 2008

Signature: 
Kevin T. Godlewski (Reg. No. 47,598)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

S I R:

In response to the Notice of Allowability mailed on October 10, 2007,
Applicant submits the following comments on the Examiner's Statement of Reasons for
Allowance. The issue fee is being paid concurrently herewith.

In the Examiner's Statement of Reasons for Allowance attached to the
Notice of Allowability, the Examiner characterizes Applicant's disclosure in stating that:

“[t]he pulse waves are generated by a pump”; “the time at which the pulse waves are generated may be easily determined based on the position of the pump”; and “the pulse waves are generated . . . at constant intervals.” Respectfully, all of these features are not, in fact, recited in each of the allowed claims.


For example, the generation of pulse waves by a pump is explicitly recited only in dependent claim 16 (“The method of claim 15, wherein the pulse waves are generated by a blood pump arranged in the extracorporeal blood circuit.”) and dependent claims 17 to 19, 21, and 23 therefrom, and dependent claim 25 (“The device of claim 24, wherein the means for generating pulse waves comprises a blood pump arranged in the extracorporeal blood circuit.”) and dependent claims 26 to 28, 30, and 32 therefrom.

In addition, none of claims 15 to 32 explicitly recites that: (a) the time at which the pulse waves are generated is determined based on the pump position; and/or (b) pulse waves are generated at constant intervals.

The Examiner is invited to contact the undersigned attorney regarding any issues outstanding in connection with this application.

Respectfully submitted,
KENYON & KENYON LLP

Dated: January 10, 2008

By: 

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